

ALLEGED SHIPMENT: On or about July 26, 1946, by the Goodwin Preserving Co., from Louisville, Ky.

PRODUCT: 406 cases, each containing 24 14-ounce jars, of apple butter at New York, N. Y.

LABEL, IN PART: "Goodwin's Best Extra Fancy Pure Apple Butter, Prepared From Evaporated Apples, Sugar, Apple Cider and Spices."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried pear had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for apple butter prepared from evaporated apples since it contained added dried pear, which is not permitted in the definition and standard as an ingredient.

DISPOSITION: December 16, 1946. Wallace, Burton & Davis Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11787. Misbranding of apple butter. U. S. v. 150 Cases * * *. (F. D. C. No. 21218. Sample No. 42064-H.)

LIBEL FILED: October 2, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about July 24, 1946, by Adams Apple Products Corp., from Aspers, Pa.

PRODUCT: 150 cases, each containing 6 7-pound, 8-ounce cans, of apple butter at Washington, D. C.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter since the soluble solids content of the article was less than 43 percent, the minimum prescribed in the definition and standard.

DISPOSITION: November 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

11788. Adulteration of canned applesauce. U. S. v. 55 Cases * * *. (F. D. C. No. 21386. Sample No. 53520-H.)

LIBEL FILED: October 29, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 24, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 55 cases, each containing 6 6-pound, 8-ounce cans, of applesauce at Nashville, Tenn.

LABEL, IN PART: "Tip-Top Brand Apple Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: April 29, 1947. No claimant having appeared, judgment was entered ordering the destruction of the product.

VEGETABLES

11789. Misbranding of canned mushrooms. U. S. v. J. B. Swayne & Son, Inc., and J. Bancroft Swayne, Jr. Pleas of nolo contendere. Corporation fined \$1,000; individual fined \$100. (F. D. C. No. 21455. Sample Nos. 3721-H, 63378-H, 70514-H, 70517-H.)

INFORMATION FILED: January 16, 1947, Eastern District of Pennsylvania, against J. B. Swayne & Son, Inc., Kennett Square, Pa., and J. Bancroft Swayne, Jr., vice president and treasurer.

ALLEGED SHIPMENT: On or about January 15 and May 4 and 13, 1946, from the State of Pennsylvania into the States of Maryland, New Jersey, and California.

LABEL, IN PART: (Cans) "Mushrooms Fancy Buttons Quaker State Brand * * * Drained Net Weight 8 Ozs.," or "Mushrooms Whole Quaker State Brand * * * Drained Net Weight 1 Lb."; (portion of cans) "Fancy Buttons * * * Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents since the drained net weight of the product was less than that declared; and, Section 403 (a), the statement "Mushrooms Fancy Buttons," together with a vignette of mushroom buttons on the cans in two of the shipments, and the statement "Fancy Buttons * * * Mushrooms" on the cartons in one of the stated shipments, were false and misleading since the article consisted of mushroom buttons not of fancy quality, because of blemished units, long stems, and (in some instances) variation in the size of the mushroom buttons.

DISPOSITION: March 20, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 on each of the 4 counts against the corporation and fined the individual \$100, a total fine of \$1,100.

11790. Misbranding of fresh mushrooms. U. S. v. John Accorsi. Plea of guilty. Fine, \$50. (F. D. C. No. 21526. Sample Nos. 5518-H, 5527-H.)

INFORMATION FILED: February 7, 1947, District of Delaware, against John Accorsi, Hockessin, Del.

ALLEGED SHIPMENT: On or about April 17 and May 1, 1946, from the State of Delaware into the States of New York and Pennsylvania.

LABEL, IN PART: "Special Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets of mushrooms bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 25, 1947. A plea of guilty having been entered, the court imposed a fine of \$50 against the defendant.

11791. Misbranding of fresh mushrooms. U. S. v. Leo Furia. Plea of guilty. Fine, \$250. (F. D. C. No. 21491. Sample No. 5523-H.)

LABEL FILED: December 5, 1946, Eastern District of Pennsylvania, against Leo Furia, Kennett Square, Pa.

ALLEGED SHIPMENT: On or about April 24, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the baskets bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 17, 1947. The defendant having entered a plea of guilty, the court imposed a fine of \$250.

11792. Misbranding of fresh mushrooms. U. S. v. Joseph Teti. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 21507. Sample Nos. 5516-H, 5524-H, 5528-H.)

INFORMATION FILED: January 21, 1947, Eastern District of Pennsylvania, against Joseph Teti, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about April 16 and 24 and May 1, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Portion) "3 Lb. Net Mushrooms Joseph Teti Special."

NATURE OF CHARGE: Misbranding, Section 402 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the baskets either bore the statements "3 Lb. Net" and contained less than 3 pounds net, or bore no label containing a statement of the quantity of the contents.

DISPOSITION: March 7, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of the 3 counts.

11793. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 236 Cases * * *. (F. D. C. No. 21328. Sample Nos. 49592-H, 49593-H.)

LABEL FILED: October 15, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about June 29, 1946, by the Hinton Food Products Co., from Rogers, Ark.